

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:	:	Chapter 11
	:	
GROSSMAN'S INC., <i>et al.</i> ,	:	Case No. 97-00695 (PJW)
	:	Case No. 97-00696 (PJW)
Debtors.	:	Case No. 97-00697 (PJW)
	:	
JELD-WEN, INC., <i>f/k/a</i> Grossman's Inc.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Pro. No. 07-51602
	:	
MARY VAN BRUNT and GORDAN	:	
VAN BRUNT,	:	
	:	
Defendants.	:	
	:	

**STATEMENT OF ISSUES AND DESIGNATION OF ITEMS  
TO BE INCLUDED IN RECORD ON APPEAL BY APPELLANT**

Appellant, JELD-WEN, inc. (“Appellant”), by its undersigned attorneys, hereby submits, pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedures and Rule 8006-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, its statement of issues to be presented on appeal and the items to be included in the record on appeal of (1) the Findings of Fact and Conclusions of Law (Adv. D.I. 49) (the “FOF/COL”), and (2) the Judgment Order (Adv. D.I. 50), both entered by the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) in the above-captioned adversary proceeding on June 9, 2008.

**STATEMENT OF ISSUES ON APPEAL**

1. Whether the Bankruptcy Court erred in concluding that Mary and Gordan Van Brunt ("Appellees") did not have a claim that arose prior to the effective date of the Debtors' plan of reorganization.
2. Whether the Bankruptcy Court erred by not concluding that all of the Appellees' claims were discharged.
3. Whether the Bankruptcy Court erred by concluding that the Appellees' breach of warranty claims did not arise prior to the effective date of the Debtors' Plan or Reorganization.
4. Whether the Bankruptcy Court erred by not concluding that the Appellees' breach of warranty claims were discharged.
5. Whether the Bankruptcy Court erred by not concluding the Appellees willfully violated the Plan Confirmation Order and discharge injunctions.
6. Whether the Bankruptcy Court erred not by issuing an award against the Appellees in favor of Appellant for the violation of the Plan Confirmation Order and discharge injunction.
7. Whether the Bankruptcy Court erred by granting judgment in favor of the Appellees.

**DESIGNATION OF ITEMS TO BE  
INCLUDED IN RECORD ON APPEAL**

Appellant hereby designates the following items to be included in the record on appeal:

**Pleadings**

<b><u>TAB NO.</u></b>	<b><u>DOCKET NO.</u></b>	<b><u>DESCRIPTION OF PLEADING/ EVIDENCE</u></b>
1.	1.	Complaint for (1) Permanent Injunction Enjoining Defendants' Prosecution of Claims Against Jeld-Wen, Inc. (2) Determination that Defendants' Claims have been Discharged and (3) Award of Damages by JELD-WEN, Inc. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc. against Mary Van Brunt, Gordan Van Brunt, filed 6/29/07
2.	4.	Answer to Complaint for (1) Permanent Injunction Enjoining Defendants' Prosecution of Claims Against Jeld-Wen, Inc. (2) Determination that Defendants' Claims have been Discharged and (3) Award of Damages, filed 7/27/07
3.	23.	Motion for Summary Judgment Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 2/15/08
4.	24.	Declaration in Support of Christopher Alston Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 2/15/08
5.	25.	Declaration in Support Motion of Jeld-Wen Inc. for Summary Judgment Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 2/15/08
6.	26.	Declaration in Support/Christopher Alston of Jeld-Wen, Inc.'s Motion for Summary Judgment Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 2/15/08
7.	27.	Declaration in Support/Andrew Rink in Jeld-Wen, Inc.'s Motion for Summary Judgment Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 2/15/08
8.	28.	Declaration in Support/Christian J. Suller to Jeld-Wen, Inc.'s Motion for Summary Judgment Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 2/15/08
9.	29.	Memorandum of Law of Jeld-Wen, Inc. in Support of its Motion for Summary Judgment Pursuant to Fed. R. Bankr. P. 7056(b) and Fed. R. Civ. P. 56(b) Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 2/15/08
10.	30.	Answering Brief of Jeld-Wen, Inc. in Opposition to Motion of Defendants for Summary Judgment Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS

		Realty Company, Inc., filed 2/29/08
11.	34.	Reply Brief of Jeld-Wen, Inc. in Support of Its Motion for Summary Judgment Pursuant to Fed. R. Bankr. P. 7056(b) and Fed. R. Civ. P. 56(b) Filed by JELD-WEN, INC. f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 3/7/08
12.	39.	Order (FINAL PRETRIAL). Order Signed on 3/31/2008, filed 3/13/08
13.	42.	Transcript of Hearing held on March 26, 2008 before the Honorable Peter J. Walsh, filed 4/16/08
14.	43.	Findings of Fact and Conclusions of Law [ <i>Proposed</i> ] Filed by JELD—WEN, Inc. . f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 4/18/08
15.	46.	Brief Jeld-Wen, Inc.'s Reply to Defendants' Proposed Findings of Fact and Conclusions of Law Filed by JELD—WEN, Inc. . f/k/a Grossman's Inc., GRS Holding Company, Inc. and GRS Realty Company, Inc., filed 5/2/08
16.	50.	Court's Judgment Order Granting Judgment In Favor Of The Defendants, filed 6/9/08
17.	51.	Notice of Appeal

**Appellant's Exhibits Offered and Admitted at Trial**

<b>PLAINTIFF'S TRIAL EXHIBIT NO.</b>	<b><u>DATE OF EXHIBIT</u></b>	<b><u>DESCRIPTION OF EVIDENCE</u></b>
1.	10/29/07	Joint Disclosure Statement of Debtors and JELD-WEN, INC.
2.	Various	Affidavits of Publication of Notice of Last Date for Creditors to file Proofs of Claim
3.	10/29/97	Joint Plan of Reorganization
4.	12/9/97	Order Confirming Joint Plan of Reorganization
5.	3/31/99	Articles of Merger and Plan of Merger of Grossman's and JELD-WEN filed with Oregon Secretary of State
6.	3/31/99	Certificate of Ownership and Merger and Plan of Merger of Grossman's and JELD-WEN filed with the Delaware Secretary of State
7.	6/15/01	Final Decree Closing Chapter 11 Cases
9.	5/10/07	Verified Complaint
10.	12/7/07	Mary Van Brunt's Answers to Plaintiff's Interrogatories
12.	7/3/07	Portion of Plaintiffs' Responses to Defendants' First Set of Interrogatories and Requests for Production of Documents
13.	Various	Articles published in various periodicals in 1997
15.	6/8/07	Letter to Joseph Belluck from Christopher M. Alston
16.	5/9/07	Motion for Order Reopening Grossman's Inc.'s Chapter 11 Case

17.	6/12/07	Order Reopening Grossman's Inc.'s Chapter 11 Case
18.	12/7/07	Gordon Van Brunt's Answers to Plaintiff's Interrogatories
19.	12/7/07	Mary Van Brunt's Responses to Plaintiff's Requests for Admission

Dated: June 23, 2008  
Wilmington, Delaware

Respectfully,



Frederick B. Rosner (DE 3995)  
DUANE MORRIS LLP  
1100 N. Market St., #1200  
Wilmington, DE 19801  
Telephone: (302) 657-4900

-and-

Christopher M. Alston  
FOSTER PEPPER PLLC  
1111 - 3rd Ave., #3400  
Seattle, WA 98101  
Telephone: (206) 447-4400  
Facsimile: (206) 447-9700  
E-mail: [alstc@foster.com](mailto:alstc@foster.com)

*Counsel to Plaintiff/Appellant*